

DEPARTMENT OF STATE REVENUE

LETTER OF FINDINGS NUMBER: 00-0234 CSET

**CONTROLLED SUBSTANCE EXCISE TAX
FOR TAX PERIODS: 2000**

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ISSUE

1. CONTROLLED SUBSTANCE EXCISE TAX: IMPOSITION

Authority: IC 6-7-3-5, IC 6-8.1-5-1(b).

Taxpayer protests the assessment of Controlled Substance Excise Tax.

STATEMENT OF FACTS

Taxpayer was arrested for possession of controlled substances. The local prosecutor requested in writing that the Indiana Department of Revenue assess the Controlled Substance Excise Tax. A Record of Jeopardy Finding, Jeopardy Assessment Notice and Demand was issued on March 13, 2000, in a base tax amount of \$2,074.40. Taxpayer filed a protest to the assessment. A hearing on the protest was scheduled for June 26, 2000. Taxpayer was notified of the hearing at the last known address. Taxpayer did not appear for the hearing. Further facts will be provided as necessary.

Discussion

IC 6-7-3-5 imposes the Controlled Substance Excise Tax on the possession of controlled substances in the State of Indiana. Taxpayer bears the burden of proving that the assessment of tax is incorrect. IC 6-8.1-5-1(b). The arresting officer's report and Indiana State Police Laboratory report indicate that Taxpayer was in possession of marijuana. Since Taxpayer did not appear at the hearing or offer any evidence to contradict the evidence in the file, Taxpayer did not sustain his burden of proving that the assessment was incorrect.

Finding

Taxpayer's protest is denied.